

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Igor Dimitriesich, et al) Confirm. No.: 5045
Serial No.: 10/828,790) Art Unit: 1645
Filed: April 21, 2004) Examiner: Nita M. Minnifield
For: Dermatomycosis vaccine
Docket No.: 3/400-5-C5

October 10, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL OFFICE ACTION

Sir:

This is in response to a communication from the Examiner in charge of the subject application, which communication was mailed on October 4, 2006. In that Office Action, a three-month shortened statutory period was set for response. Thus, this response is timely. However, if it is determined that an extension of time is necessary, Applicants hereby request the necessary extension of time under 37 C.F.R. § 1.136 and authorize the Commissioner to charge such fee to Deposit Account No. 02-2955. Furthermore, if it is determined that any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this Response, authorization to charge such fees to Deposit Account No. 02-2955 is provided during electronic filing via the Revenue Accounting and Management System.

Claims 7-18 are pending. In the Office Action mailed October 4, 2006, the Examiner has indicated that pending claims 7-18 would be allowable if a terminal disclaimer is filed with respect to US Patent 6,872,399. Applicants hereby submit the requested terminal disclaimer and the required fee. Accordingly, Applicants respectfully request withdrawal of the rejection.

Application No. 10/828,790
Response dated October 10, 2006
Response to Office Action of October 4, 2006

In view of the foregoing, it is respectfully submitted that the subject application is in condition for allowance and such favorable action at an early date is earnestly solicited.

Respectfully submitted,

/Paula K. Wittmayer/

Paula K. Wittmayer, Reg. No. 53,785
Attorney for Applicant(s)

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel.: (203) 791-6692
Date: October 10, 2006